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JAN 25 2007

OFFICE OF PETITIONS

Mailing Date: July 16, 2002
Client: Shipley (70329) *OIS*
Inventors: Tsuchida et al.
Serial No.: 10/010,193
Filing Date: December 5, 2001

Attorney/Sec: PFC/dmr
Docket No.: 51334

Patent No:

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Petition to Correct Correspondence Filing Date for
Date-In Incorrectly Entered or Omitted on Express Mail
Label; Declaration of Deanna M. Rivernider; Copy of the
first page of Correspondence showing both date and Express
Mail Label No.; Completion of Filing Requirements; Executed
Declaration and Power of Attorney; Assignment Recordation
Cover Sheet; Executed Assignment Document; Transmittal of
Certified Copy; Certified copy of JP 2000-370340; and
Due Date: July 18, 2002 checks totaling \$700.00.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Tsuchida et al.**
Application No.: **10/010,193** Group No. **1773**
Filed: **December 5, 2001** Examiner:
For: **NON-CHARGING RESIN COMPOSITE AND METHOD OF MANUFACTURING THE SAME**

Patent No.: _____ Issue date: _____

NOTE: Preferably also insert inventor's name and invention title.

Assistant Commissioner for Patents
Washington, D.C. 20231

**PETITION TO CORRECT CORRESPONDENCE FILING DATE
FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED
ON EXPRESS MAIL LABEL
(37 C.F.R. § 1.10(d))**

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NOTE: See § 513, M.P.E.P., 7th Edition.

1. This is a petition to accord the correspondence in the above-identified **OFFICE OF PETITIONS**
 application
 patent

a filing date of 12/05/01 (Date), which is the date the correspondence was deposited with the U.S.P.S. with proper postage.

2. Submitted herewith is the statement of Deanna M. Rivernider as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(d)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. ET755554034US and that the number of the Express Mail was placed thereon prior to the original mailing. 37 C.F.R. § 1.10(d)2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

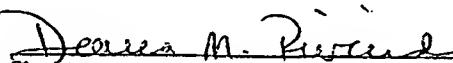
MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 1/16/02

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, (703) _____


Signature

Deanna M. Rivernider

(type or print name of person certifying)

(Petition to Accord Correspondence Filing Date For "Date-in" Incorrectly Entered or Omitted on Express Mail Label [8-14]-page 1 of 3)

4. Correction is required because:

- the wrong "Date-In" was entered by the U.S.P.S. on the envelope delivered to the P.T.O., but the correct date was entered on Express Mail label.
- the wrong "Date-In" was entered by the U.S.P.S. on the original "Express Mail" label and on the envelope delivered to the P.T.O.
- Deposit of correspondence at an Express Mail drop box and wrong date entered by U.S.P.S. *
- Other:

***Copy of the Customer Receipt of the Express Mail Label was not received from the U.S.P.S.**

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OFFICE OF PETITIONS

5. The following establish the showing required by 37 C.F.R. § 1.10(d)(3):

NOTE: Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number, the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. A notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed an petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

The reason the PTO considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:

- (1) created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or
- (2) created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail").

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Evidence from the U.S.P.S. as follows:

Express Mail Log that Came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the U.S.P.S.

Other:

6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

Attached is a check money order in the amount of \$ 130.00

Authorization is hereby made to charge the amount of \$ _____

to Deposit Account No. 04-1105

to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 33,860


SIGNATURE OF PRACTITIONER

Peter F. Corless

(type or print name of practitioner)

Edwards & Angell, LLP

Dike, Bronstein, Roberts & Cushman, IP Group

P.O. Address

P.O. Box 9169

Boston, MA 02209

Customer No.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tsuchida et al.

Serial No.: 10/010,193

Filed: December 5, 2001

For: NON-CHARGING RESIN COMPOSITE AND METHOD OF
MANUFACTURING SAME

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

JAN 25 2007

DECLARATION

OFFICE OF PETITIONS

1. I, Deanna M. Rivernider, declare that I am an Assistant to Attorney S. Matthew Cairns of Shipley Company, L.L.C. and Peter F. Corless of Edwards & Angell, LLP at the Marlborough, Massachusetts office.

2. On June 26, 2002, while preparing a petition to correct a filing date in a non-related application, I realized that a few applications that had been filed October through December of 2001 from our Marlborough, Massachusetts office had incorrect filing dates on the U.S. Patent Office Filing Receipts.

3. In view of the filing date discrepancies previously discovered, I decided to review all applications filed from the Marlborough, Massachusetts office within that timeframe.

4. On July 8, 2002, while reviewing the application files, I discovered the incorrect Filing Date on the Filing Receipt of the subject application.

5. I believe this petition is being filed promptly thereafter.

6. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Deanna M. Rivernider

Deanna M. Rivernider, Assistant to:
S. Matthew Cairns (Reg. No. 42,378) and
Peter F. Corless (Reg. No. 33,860)
Edwards & Angell, LLP
Dike, Bronstein, Roberts & Cushman, IP Group
P.O. Box 9169
Boston, MA 02209
(617) 523-6440

EXPRESS MAIL LOGBOOK
2001

**Marlboro Post Office
20 Florence Street
Marlborough Massachusetts**

**Hours: Monday – Friday (Last pick-up 5:30 p.m.)
 Saturday (Last pick up 3:15 p.m.)**

December 2001

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/01/01	2:10 p.m.	marlboro	3:15 p.m.	55295
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755554051US	12/01/01	2:45 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/01/01	2:10 p.m.	Marlboro	3:15 p.m.	51041-P
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755554065US	12/01/01	2:45 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/05/01	5:05 p.m.	Marlboro	5:30 p.m.	51334
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755554034US	12/05/01	5:45 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/06/01	5:20 p.m.	Marlboro	5:30 p.m.	51160-P
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755554025US	12/06/01	5:50 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/12/01	5:00 p.m.	Marlboro	5:30 p.m.	51190-P2
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755554017US	12/12/01	5:45 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/12/01	5:00 p.m.	Marlboro	5:30 p.m.	50650-PCT
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755553970US	12/12/01	5:40 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/12/01	5:00 p.m.	Marlboro	5:30 p.m.	50729-PCT
Express Mail Label No.		Date and Time of entry into Mail Log Book		Initials of Depositor
ET755550983US	12/12/01	5:40 p.m.		DMR

SMC/PFC

Mailing Date December 5, 2001 Attorney/Sec SMC/PFC/dmr
Docket No 51334

Client Shingle

Design

Provisional

Utility

The dating stamp of the TM Trademark Office hereon will be taken as the date of filing of
APPLICANT(S) EIKA DA, Masaaki IMANARI, Koichi YOMOGIDA
and EIKA YAWAFUNE

TITLE NON-CHARGING RESIN COMPOSITE AND METHOD OF MANUFACTURING

SAME

No. of Pages Spec. 23 Claims 1 Abstract 1

Drawings 10 sheets formal informal

Transmittal Papers 10 pages Preliminary Amendment

Declaration executed unexecuted Copy Will Follow

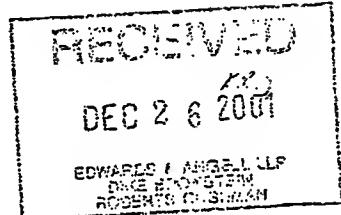
Small Entity Form Copy Will Follow Certified Copy Will Follow

Assignment Copy Will Follow Cover Sheet

Information Disclosure Statement PTO-1449 Form Rets _____

Other \$ 1,020.00 fee Check is is not enclosed

Due Date 12/05/01 Express Mail Label No ET755554034US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): **Hideki TSUCHIDA, Masaaki IMANARI, Koichi YOMOGIDA and
Hidemi NAWAFUNE**

WARNING: *37 CFR 1.41(a)(1) points out:*

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): **NON-CHARGING RESIN COMPOSITE AND METHOD OF
MANUFACTURING THE SAME**

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date December 5, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number ET755554034US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Deanna M. Rivernider
(type or print name of person mailing paper)

Deanna M. Rivernider
Signature of person mailing paper

WARNING: *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

***WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).*

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Express Mail Label No. ET755554034US
Docket No. 51334

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JAN 25 2007

U.S. PATENT APPLICATION

OFFICE OF PETITIONS

Title: A NON-CHARGING RESIN COMPOSITE MATERIAL AND A PROCESS OF
PREPARING THE SAME

Inventors: Hideki TSUCHIDA
Masaaki IMANARI
Koichi YOMOGIDA
Hidemi NAWAFUNE

Attorney: S. Matthew Cairns (Reg. No. 42,378)
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